

## HOUSE BILL No. 1479

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### DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 22-12-1-22; IC 22-15-5-4; IC 25-15-5-5.5.

**Synopsis:** Regulated lifting devices. Requires a person who installs a regulated lifting device to obtain an initial operating permit. Requires a person who has control over the place where a regulated lifting device is operated to obtain an operating permit after the initial permit expires. Requires the office of the state building commissioner to mark a regulated lifting device "out of service" when an inspection reveals that the unit does not comply with laws governing its construction, repair, maintenance, and operation. Requires the office to reinspect an "out of service" unit within a reasonable time after receiving a request for reinspection and the payment of the reinspection fee. Makes it a  
(Continued next page)

**Effective:** July 1, 1999.

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**Adams T, Saunders**

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January 19, 1999, read first time and referred to Committee on Commerce and Economic Development.

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Digest Continued

Class C infraction if a person installs a regulated lifting device and does not obtain an initial operating permit or a temporary operating permit, and the device is used by building construction personnel. Makes it a Class C infraction if a person installs a regulated lifting device and does not obtain an initial operating permit, and the device is used by a member of the public.

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Introduced

First Regular Session 111th General Assembly (1999)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1998 General Assembly.

## HOUSE BILL No. 1479

A BILL FOR AN ACT to amend the Indiana Code concerning labor and industrial safety.

*Be it enacted by the General Assembly of the State of Indiana:*

- 1 SECTION 1. IC 22-12-1-22 IS AMENDED TO READ AS  
2 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 22. (a) "Regulated  
3 lifting device" means any part of the components, enclosures, and  
4 equipment necessary for the operation of the following:  
5 (1) A mechanism equipped to raise and lower persons or property  
6 along a guide or belt, including the following:  
7 (A) A power driven, continuous stairway.  
8 (B) A surface ski lift designed to have the passenger's feet or  
9 skis on the ground at all times.  
10 (C) **A passenger elevator or freight elevator in a Class 1**  
11 **structure.**  
12 (2) A power driven continuous walkway equipped to transport  
13 persons in a sitting, standing, or walking position.  
14 (b) The term does not include the following:  
15 (1) A belt, bucket, roller, or similar type conveyor.  
16 (2) A tiering or piling machine that is used to move materials to  
17 and from storage and located and operated entirely within one (1)



story.

(3) Equipment for feeding or positioning materials at machine tools and printing presses.

(4) A hoist that is used for raising or lowering materials and has unguided hooks, slings, or similar means for attaching materials.

(5) A skip or furnace hoist.

(6) A wharf ramp.

(7) An amusement device.

(8) A stage or orchestra lift.

(9) A lift bridge.

(10) A railroad car lift or dumper.

(11) A hillside inclined lift.

(12) Any lifting device in a private residence.

(13) A materials conveyor with a platform.

SECTION 2. IC 22-15-5-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 4. (a) The office shall carry out a program for the periodic inspection of regulated lifting devices being operated in Indiana. The office shall issue a regulated lifting device operating permit to an applicant who qualifies under this section.

(b) A permit issued under this section expires on the date set in the rules adopted by the commission.

**(c) It is the responsibility of the person who installs a regulated lifting device to obtain an initial operating permit for the regulated lifting device before the regulated lifting device may be operated.**

**(d) It is the responsibility of the person who has control over the place where a regulated lifting device is operated to obtain an operating permit after the initial operating permit expires.**

~~(c)~~ (e) To qualify for a **an operating** permit under this section, an applicant must:

(1) demonstrate through an inspection that the regulated lifting device covered by the application complies with the laws governing its construction, repair, maintenance, and operation; and

(2) pay the fee set under IC 22-12-6-9.

**(f) When an inspection reveals that the regulated lifting device covered by an application does not comply with subsection (e)(1), the office shall issue an emergency order to immediately cease inspection activities and mark the unit "out of service" under IC 4-21.5-4 and IC 22-12-7-6.**

**(g) The office shall reinspect a regulated lifting device marked "out of service" under subsection (f) within a reasonable time after**



receiving a request for reinspection and payment of the reinspection fee under IC 22-12-6-9.

~~(d)~~ (h) Notwithstanding subsections (f) and (g), the office may issue a temporary operating permit to an applicant under this section who does not comply with subsection ~~(c)(1)~~; (e)(1). The applicant must pay the fee set under IC 22-12-6-9 to qualify for the temporary operating permit. Except as provided in subsection ~~(c)~~; (j), the permit, including all renewal periods, is limited to sixty (60) days.

(i) A person who installs a regulated lifting device may allow the device to be used by building construction personnel if an initial operating permit is issued under subsection (e) or a temporary operating permit is issued under subsection (h). However, the person who installs the regulated lifting device may not allow the regulated lifting device to be used by members of the public during the construction of a building until an initial operating permit is issued by the office.

~~(e)~~ (j) The state building commissioner may renew a temporary operating permit issued under subsection ~~(d)~~ (h) for thirty (30) day periods during the construction of a building if the regulated lifting device is used **only** for the transportation of construction personnel, tools, and materials.

~~(f)~~ (k) The responsibilities of the office under this section may be carried out by a political subdivision that is approved by the commission under IC 22-13-2-10.

SECTION 3. IC 25-15-5-5.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 5.5. (a) If:

(1) a person installs a regulated lifting device and does not obtain an initial operating permit under section 4(e) of this chapter or a temporary operating permit under section 4(h) of this chapter; and

(2) the regulated lifting device is used by building construction personnel;

the person described in subdivision (1) commits a Class C infraction.

(b) If:

(1) a person installs a regulated lifting device and does not obtain an initial operating permit under section 4(e) of this chapter; and

(2) the regulated lifting device is used by a member of the public;

the person described in subdivision (1) commits a Class C



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